

**REPORT OF THE AUDIT OF THE
BOYD COUNTY
SHERIFF'S SETTLEMENT - 2009 TAXES**

**For The Period
April 16, 2009 Through April 15, 2010**



**CRIT LUALLEN
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EXECUTIVE SUMMARY
AUDIT EXAMINATION OF THE
BOYD COUNTY
SHERIFF'S SETTLEMENT - 2009 TAXES

For The Period
April 16, 2009 Through April 15, 2010

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2009 Taxes for the Boyd County Sheriff for the period April 16, 2009 through April 15, 2010. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The Sheriff collected taxes of \$20,754,593 for the districts for 2009 taxes, retaining commissions of \$771,403 to operate the Sheriff's office. The Sheriff distributed taxes of \$19,947,003 to the districts for 2009 taxes.

Report Comment:

- The Sheriff Should Have A County Revenue Bond To Protect The County From Potential Loss

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities.

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky

Honorable Steven L. Beshear, Governor

Jonathan Miller, Secretary

Finance and Administration Cabinet

Honorable William Stevens, Boyd County Judge/Executive

Honorable Terry Keelin, Boyd County Sheriff

Members of the Boyd County Fiscal Court

Independent Auditor's Report

We have audited the Boyd County Sheriff's Settlement - 2009 Taxes for the period April 16, 2009 through April 15, 2010. This tax settlement is the responsibility of the Boyd County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement in accordance with the modified cash basis and laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Boyd County Sheriff's taxes charged, credited, and paid for the period April 16, 2009 through April 15, 2010, in conformity with the modified cash basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated September 29, 2010 on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to



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provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.

Based on the results of our audit, we present the accompanying comment and recommendation, included herein, which discusses the following report comment:

- The Sheriff Should Have A County Revenue Bond To Protect The County From Potential Loss

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

September 29, 2010

BOYD COUNTY
TERRY KEELIN, SHERIFF
SHERIFF'S SETTLEMENT - 2009 TAXES

For The Period April 16, 2009 Through April 15, 2010

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 2,930,338	\$ 5,958,670	\$ 5,115,984	\$ 2,066,481
Tangible Personal Property	582,445	1,057,861	1,097,125	1,652,074
Fire Protection	429			
Increases Through Exonerations				43
Franchise Taxes	367,118	714,820	721,986	
Additional Billings	908	2,007	2,921	978
Unmined Coal - 2009 Taxes	521	1,171	1,502	367
Oil and Gas Property Taxes	14,159	31,839	40,842	9,985
Limestone, Sand and Mineral Reserves	41	93	119	29
Bank Franchises	193,950			
Penalties	16,060	32,907	32,853	13,458
Adjusted to Sheriff's Receipt	(56)	(76)	11	(113)
Gross Chargeable to Sheriff	<u>4,105,913</u>	<u>7,799,292</u>	<u>7,013,343</u>	<u>3,743,302</u>
<u>Credits</u>				
Exonerations	37,346	76,719	66,598	46,096
Discounts	58,293	108,619	95,054	59,644
Delinquents:				
Real Estate	172,494	338,334	287,461	121,630
Tangible Personal Property	11,098	22,958	16,216	21,372
Franchise Taxes	<u>71,978</u>	<u>113,763</u>	<u>181,584</u>	
Total Credits	<u>351,209</u>	<u>660,393</u>	<u>646,913</u>	<u>248,742</u>
Taxes Collected	3,754,704	7,138,899	6,366,430	3,494,560
Less: Commissions *	<u>159,575</u>	<u>264,588</u>	<u>198,721</u>	<u>148,519</u>
Taxes Due	3,595,129	6,874,311	6,167,709	3,346,041
Taxes Paid	3,589,313	6,862,920	6,155,410	3,339,360
Refunds (Current and Prior Year)	<u>5,816</u>	<u>11,391</u>	<u>12,299</u>	<u>6,681</u>
Due Districts as of Completion of Audit	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>

* See Next Page.

The accompanying notes are an integral part of this financial statement.

BOYD COUNTY
TERRY KEELIN, SHERIFF
SHERIFF'S SETTLEMENT - 2009 TAXES
For The Period April 16, 2009 Through April 15, 2010
(Continued)

* Commissions:

4.25% on	\$ 11,882,184
4% on	\$ 2,193,782
3% on	\$ 5,593,632
1% on	\$ 1,084,995

BOYD COUNTY
NOTES TO FINANCIAL STATEMENT

April 15, 2010

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1) (d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

BOYD COUNTY
NOTES TO FINANCIAL STATEMENT
April 15, 2010
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of April 15, 2010, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 3. Tax Collection Period

A. Property Taxes

The real and personal property tax assessments were levied as of January 1, 2009. Property taxes were billed to finance governmental services for the year ended June 30, 2010. Liens are effective when the tax bills become delinquent. The collection period for these assessments was September 28, 2009 through April 15, 2010.

B. Unmined Coal Taxes

The tangible property tax assessments were levied as of January 1, 2009. Property taxes are billed to finance governmental services. Liens are effective when the tax bills become delinquent. The collection period for these assessments was February 22, 2010 through April 15, 2010.

Note 4. Sheriff's 10% Add-On Fee

The Boyd County Sheriff collected \$72,158 of 10% add-on fees allowed by KRS 134.119(7). This amount was used to operate the Sheriff's office.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable William Stevens, Boyd County Judge/Executive
Honorable Terry Keelin, Boyd County Sheriff
Members of the Boyd County Fiscal Court

Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the Boyd County Sheriff's Settlement - 2009 Taxes for the period April 16, 2009 through April 15, 2010, and have issued our report thereon dated September 29, 2010. The Sheriff prepares his financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Boyd County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Sheriff's internal control over financial reporting.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.



Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Boyd County Sheriff's Settlement - 2009 Taxes for the period April 16, 2009 through April 15, 2010, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed instances of noncompliance or other matters that are required to be reported under Government Auditing Standards and which are described in the accompanying comment and recommendation.

- The Sheriff Should Have A County Revenue Bond To Protect The County From Potential Loss

The Boyd County Sheriff's response to the findings identified in our audit is described in the accompanying comments and recommendations. We did not audit the Sheriff's response and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of management, the Boyd County Fiscal Court, others within the entity, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,



Crit Luallen
Auditor of Public Accounts

September 29, 2010

COMMENT AND RECOMMENDATION

BOYD COUNTY
TERRY KEELIN, SHERIFF
COMMENT AND RECOMMENDATION

For The Period April 16, 2009 Through April 15, 2010

STATE LAWS AND REGULATIONS:

The Sheriff Should Have A County Revenue Bond To Protect The County From Potential Loss

The Sheriff did not have a county revenue bond. KRS 134.230(1)(b) gives the Fiscal Court the authority to require the Sheriff to have a county revenue bond. The county revenue bond should cover all monies in the Sheriff's possession. The highest balance in the Sheriff's tax account reached \$15,243,819. We recommend the Sheriff and Fiscal Court review the situation and take appropriate action to ensure the county is adequately protected.

Sheriff's Response: This issue has been brought to the attention of the fiscal court on at least (2) prior occasions with no action taken by them.

